



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2336

Introduced 1/12/2006, by Sen. Miguel del Valle

SYNOPSIS AS INTRODUCED:

105 ILCS 125/2.5
105 ILCS 125/4
105 ILCS 126/15

from Ch. 122, par. 712.4

Amends the School Breakfast and Lunch Program Act and the Childhood Hunger Relief Act. Makes changes concerning the breakfast incentive program, the report the State Board of Education provides to the Governor and the General Assembly concerning school breakfast and lunch programs, surveys to identify parental interest in school breakfast programs and the barriers to establishing school breakfast programs, the requirement that a school district establish a school breakfast program for certain schools, and opting out of the school breakfast program requirement. Effective immediately.

LRB094 16406 NHT 54025 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Breakfast and Lunch Program Act is
5 amended by changing Sections 2.5 and 4 as follows:

6 (105 ILCS 125/2.5)

7 Sec. 2.5. Breakfast incentive program. The State Board of
8 Education shall fund a breakfast incentive program comprised of
9 the components described in paragraphs (1), (2), and (3) of
10 this Section, provided that a separate appropriation is made
11 for the purposes of this Section. The State Board of Education
12 may allocate the appropriation among the program components in
13 whatever manner the State Board of Education finds will best
14 serve the goal of increasing participation in school breakfast
15 programs. If the amount of the appropriation allocated under
16 paragraph (1), (2), or (3) of this Section is insufficient to
17 fund all claims submitted under that particular paragraph, the
18 claims under that paragraph shall be prorated.

19 (1) The State Board of Education may reimburse each
20 sponsor of a school breakfast program at least an
21 additional \$0.10 for each free, reduced-price, and paid
22 breakfast served over and above the number of such
23 breakfasts served in the same month during the preceding
24 year, provided that the number of breakfasts served in a
25 participating school building in that month is at least 10%
26 greater than the number of breakfasts served in the same
27 month during the preceding year.

28 (2) The State Board of Education may make grants to
29 school boards and welfare centers that agree to start a
30 school breakfast program in one or more schools or other
31 sites. First priority for these grants shall be given to
32 schools in which 40% or more of their students are eligible

1 for free and reduced price meals under the National School
2 Lunch Act (42 U.S.C. 1751 et seq.). Depending on the
3 availability of funds and the rate at which funds are being
4 utilized, the State Board of Education is authorized to
5 allow additional schools or other sites to receive these
6 grants. In making additional grants, the State Board of
7 Education shall provide for priority to be given to schools
8 with the highest percentage of students eligible for free
9 and reduced price lunches under the National School Lunch
10 Act. The amount of the grant shall be \$3,500 for each
11 qualifying school or site in which a school breakfast
12 program is started. The grants shall be used to pay the
13 start-up costs for the school breakfast program, including
14 equipment, supplies, and program promotion, but shall not
15 be used for food, labor, or other recurring operational
16 costs. Applications for the grants shall be made to the
17 State Board of Education on forms designated by the State
18 Board of Education. Any grantee that fails to operate a
19 school breakfast program for at least 3 years after receipt
20 of a grant shall refund the amount of the grant to the
21 State Board of Education.

22 (3) The State Board of Education may reimburse a school
23 board for each free, reduced-price, or paid breakfast
24 served in a school breakfast program located in a school in
25 which 80% or more of the students are eligible to receive
26 free or reduced price lunches under the National School
27 Lunch Act (42 U.S.C. 1751 et seq.) in an amount equal to
28 the difference between (i) the current amount reimbursed by
29 the federal government for a free breakfast and (ii) the
30 amount actually reimbursed by the federal government for
31 that free, reduced-price, or paid breakfast. A school board
32 that receives reimbursement under this paragraph (3) shall
33 not be eligible in the same year to receive reimbursement
34 under paragraph (1) of this Section.

35 (Source: P.A. 93-1086, eff. 2-15-05.)

1 (105 ILCS 125/4) (from Ch. 122, par. 712.4)

2 Sec. 4. Accounts; copies of menus served; free lunch
3 program required; report. School boards and welfare centers
4 shall keep an accurate, detailed and separate account of all
5 moneys expended for school breakfast programs, school lunch
6 programs, free breakfast programs, free lunch programs, and
7 summer food service programs, and of the amounts for which they
8 are reimbursed by any governmental agency, moneys received from
9 students and from any other contributors to the program. School
10 boards and welfare centers shall also keep on file a copy of
11 all menus served under the programs, which together with all
12 records of receipts and disbursements, shall be made available
13 to representatives of the State Board of Education at any time.

14 Every public school must have a free lunch program.

15 In 2001 and in each subsequent year, the State Board of
16 Education shall provide to the Governor and the General
17 Assembly, by a date not later than March 1, a report that
18 provides all of the following:

19 (1) A list by school district of all schools, the total
20 student enrollment, and the number of children eligible for
21 free, reduced price, and paid breakfasts and lunches.

22 (2) A list of schools that have started breakfast
23 programs during the past year along with information on
24 which schools have utilized the \$3,500 start-up grants and
25 the additional \$0.10 per meal increased participation
26 incentives established under Section 2.5 of this Act.

27 (3) A list of schools that have used the school
28 breakfast program option outlined in this Act, a list of
29 schools that have exercised Provision Two or Provision
30 Three under the Child Nutrition Act of 1966 (42 U.S.C. 1771
31 et seq.), ~~and~~ a list of schools that have dropped either
32 school lunch or school breakfast programs during the past
33 year and the reasons why, and a list of school districts
34 and schools granted an exemption from a regional
35 superintendent of schools.

36 In 2007, 2009, and 2011 the report required by this Section

1 shall also include information that documents the results of
2 surveys designed to identify parental interest in school
3 breakfast programs and documents barriers to establishing
4 school breakfast programs. To develop the surveys for school
5 administrators and for parents, the State Board of Education
6 shall work with ~~in coordination with the State Board of~~
7 ~~Education's Child Nutrition Advisory Council~~ and local
8 committees that involve parents, teachers, principals,
9 superintendents, business, and anti-hunger advocates,
10 organized by the State Board of Education to foster community
11 involvement. The State Board of Education is authorized to
12 distribute the surveys in all schools where there are no school
13 breakfast programs.

14 (Source: P.A. 93-1086, eff. 2-15-05.)

15 Section 10. The Childhood Hunger Relief Act is amended by
16 changing Section 15 as follows:

17 (105 ILCS 126/15)

18 Sec. 15. School breakfast program.

19 (a) Within 90 days after the effective date of this
20 amendatory Act of the 93rd General Assembly and then each
21 school year thereafter, the board of education of each school
22 district in this State shall implement and operate a school
23 breakfast program, if a breakfast program does not currently
24 exist, in accordance with federal guidelines in each school
25 building within its district in which at least 40% or more of
26 the students are eligible for free or reduced-price lunches
27 based upon the count on October 31 of the previous year (for
28 those schools that participate in the National School Lunch
29 Program) or Fall Housing Data from the previous year (for those
30 schools that do not participate in the National School Lunch
31 Program).

32 Using the data from the previous school year, the board of
33 education of each school district in the State shall determine
34 which schools within their districts will be required to

1 implement and operate a school breakfast program.

2 (b) School districts may charge students who do not meet
3 federal criteria for free school meals for the breakfasts
4 served to these students within the allowable limits set by
5 federal regulations.

6 (c) School breakfast programs established under this
7 Section shall be supported entirely by federal funds and
8 commodities, charges to students and other participants, and
9 other available State and local resources, including under the
10 School Breakfast and Lunch Program Act. Allowable costs for
11 reimbursement to school districts, in accordance with the
12 United States Department of Agriculture, include compensation
13 of employees for the time devoted and identified specifically
14 to implement the school breakfast program; the cost of
15 materials acquired, consumed, or expended specifically to
16 implement the school breakfast program; equipment and other
17 approved capital expenditures necessary to implement the
18 school breakfast program; and transportation expenses incurred
19 specifically to implement and operate the school breakfast
20 program.

21 (d) A school district shall be allowed to opt out of the
22 school breakfast program requirement of this Section if it is
23 determined that, due to circumstances specific to that school
24 district, the expense reimbursement would not fully cover the
25 costs of implementing and operating a school breakfast program.
26 The school district shall petition its regional superintendent
27 of schools by November 15 of each year to request to be exempt
28 from the school breakfast program requirement. The petition
29 shall include all legitimate costs associated with
30 implementing and operating a school breakfast program, the
31 estimated reimbursement from State and federal sources, and any
32 unique circumstances the school district can verify that exist
33 that would cause the implementation and operation of such a
34 program to be cost prohibitive.

35 The regional superintendent of schools shall review the
36 petition. In accordance with the Open Meetings Act, he ~~He~~ or

1 she shall convene a public hearing to hear testimony from the
2 school district and interested community members. The regional
3 superintendent shall, by December 15, inform the school
4 district of his or her decision, along with the reasons why the
5 exemption was granted or denied, in writing. If the regional
6 superintendent grants an exemption to the school district, then
7 the school district is relieved from the requirement to
8 establish and implement a school breakfast program for that
9 school year.

10 If the regional superintendent of schools does not grant an
11 exemption to the school district, then the school district
12 shall implement and operate a school breakfast program in
13 accordance with this Section by September 1 of the subsequent
14 school year. However, the school district or a resident of the
15 school district may appeal the decision of the regional
16 superintendent to the State Superintendent of Education. No
17 later than February 15 of each year, the State Superintendent
18 shall hear appeals on the decisions of regional superintendents
19 of schools. The State Superintendent shall make a final
20 decision at the conclusion of the hearing on the school
21 district's request for an exemption from the school breakfast
22 program requirement. If the State Superintendent grants an
23 exemption to the school district, then the school district is
24 relieved from the requirement to implement and operate a school
25 breakfast program for that school year. If the State
26 Superintendent does not grant an exemption to the school
27 district, then the school district shall implement and operate
28 a school breakfast program in accordance with this Section by
29 September 1 of the subsequent school year.

30 A school district may not attempt to opt out of the school
31 breakfast program requirement of this Section by requesting a
32 waiver under Section 2-3.25g of the School Code.

33 (Source: P.A. 93-1086, eff. 2-15-05.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.